

## IDRU Complaints (Citings) Procedures 2023

Changes to the Judiciary Procedures Rules have been made this season to ensure a speedier resolution to complaints (citings).

The procedures adopted include the ARU Code of Conduct protocols including the appointment of an independent "Investigation Officer" (I.O.) to review and assess complaints prior to being referred to the judiciary committee. (See Australian Rugby Union Code of Conduct, Complaint Handling and Investigations.)

The role of the I.O. is to investigate each claim and provide a written report to the rugby chairman as to merit and if contentious to include handling options.

This **Practice Direction** is to assist in the preparation of a complaint.

If your club wishes to cite an opposition player, an opposition club, a match official or make any such claim the following procedures are to be followed.

Step 1. **Within 24 hours** after the completion of the match or after the dispute arises, complete the "Notice of Complaint" (see IDRU web site) and submit it by email to the Rugby Chairman, the other club or person and if the dispute relates to the conduct of a match official, the IDRURA.  
At this stage there is no need to attach supporting material.

Step 2. Pay the prescribed fee (\$200.00) to account name Illawarra district Rugby Union,

BSB                802 249  
Account#        249901538

Step 3. The Rugby Chairman will direct the I.O. to review the complaint and investigate. The IO may request you to provide evidence including video evidence of the incident if any. (Note the rules with respect to video evidence)

Step 4. The I.O. will report to the rugby chairman in writing whether the complaint is of such a nature that it should be referred to the Judiciary Committee for determination, to adopt one of the handling options available or to suggest that there is insufficient evidence to pursue the request. (See Australian Rugby Code of Conduct 9.6,9.7,9.8 &9.9)

Notes for assistance in completing the initial Notice and compliance with requests from I.O. and/or judiciary committee

- A. In completing your "**Notice of Complaint**" pay particular attention to:
  - a) who is being cited,
  - b) what rugby law and/or IDRUC competition rule has been breached
  - c) the club President or Secretary must affirm in writing the citing request.
  - d) do NOT detail your evidence of the incident in the citing request form.
  
- B. Should you be called upon by the I.O. or judiciary committee to provide evidence in support of the complaint which may include,
  - a) Photographic and/or Video Evidence, whilst not compulsory, the provision of clear, high quality photos or

unedited video of the incident is extremely useful. If available, they should be submitted as part of your case. Submission via on-line video is admissible. (e.g. via video sharing websites.) provision of unedited video, clearly showing the incident, may be considered sufficient objective evidence to progress the citing request, so that the need for statutory declarations and medical records in (c),(d),(e) and (f) below may not be required.

b) Witness statements. Preferably, these should be in the form of a Statutory declaration which may then avoid the need to have the witness appear at a hearing

c) **Statutory Declarations**

The evidence of your witnesses if provided by statutory declaration.

- up to four statutory declarations per incident may be submitted. (leave may be granted for more in special circumstances)
- The person directly affected by the alleged incident should submit a statutory declaration.

d) in the statutory declarations

DO give an independent account of what happened

DO name the cited player (or a physical description, or player's number or position)

DO note the time into the match and where on the field the incident occurred

DO note where the complainant (and others) were in relation to the incident and whether you had a clear line of sight

DO describe precisely the incident , telling exactly what YOU actually witnessed  
DO stick to the pertinent facts of the incident in a concise and factual manner  
DO note what action, if any, the referee took in relation to the incident  
Do sign your statement in the presence of a Justice of the Peace.

- e) - in the statutory declarations  
! DO NOT lie.  
! DO NOT give opinion, superfluous information or subjective comments  
! DO NOT write second or third hand accounts  
! DO NOT embellish  
! DO NOT write down what you "think happened" or what "must have happened".

#### PLEASE NOTE

- **statutory declarations** are legal documents in which you declare the truthfulness of your evidence in front of a Justice of the Peace.
- Statutory declarations which in the opinion of the Judiciary appear to be collusive or misleading will be excluded from any deliberations and may be subject to further action against the individual or club supplying such information.

f) **Medical Records**

- if an injury requiring medical attention has occurred then any subsequent medical report from the attending physician may be tendered as evidence.